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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/520,943  
Filing Date: March 08, 2000  
Appellant(s): FANO ET AL.

**MAILED**

**SEP 26 2006**

**GROUP 3600**

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Andrew E. Fano et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 08/12/2005 appealing from the Office action mailed 01/13/2005.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. Examiner notes that there is a typographical error in the claim listing of the after-final communications of 08/12/2005. As per the explanation in the interview summary, claim 104 was canceled and claim 103 is still pending.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct. See explanation in section (4) above.

**(8) Evidence Relied Upon**

Jones et al. (U.S. 6,021,397)

**(9) Grounds of Rejection**

The following grounds of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 21-27, 50-56, and 79-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (U.S. 6,021,397).

As per claim 21, Jones et al. teaches a method for enabling users to make decisions by modeling tradeoffs between a plurality personal goals comprising:

(a) receiving information from a user including information related to cash flow of a user (See column 5, lines 50-67, wherein personal information about the user is obtained included information about the user's cash flow);

(b) graphically presenting to the user a plurality of goals based on the information provided from the user, wherein the plurality of goals are related to the cash flow of the user (See

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column 2, lines 48-64, column 3, lines 40-67, column 4, lines 10-34, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the plurality of goals are presented to the user. These goals include savings goals, retirement goals, financial plans (buying a house, sending a child to school), etc.);

(c) allowing the user to select at least one goal from a plurality of goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can select at least one goal and iteratively adjust preferences related to the goals);

(d) presenting to the user a plurality of the user preferences for each selected goal (See column 4, lines 24-34, and column 6, lines 7-12, 20-27, and 50-58, wherein the user is presented preferences);

(e) allowing the user to make an adjustment to user preferences related to one of the selected goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can iteratively adjust preferences related to the goals, such as the savings rate, ages of retirement, quality of retirement, etc. The goal is the item and the preferences its settings);

(f) determining an impact of the adjustment on attaining the remaining goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the system analyzes the effects of the changes on the other goals and preferences in the portfolio);

(g) graphically presenting to the user the impact of the adjustment on attaining the goals by again presenting the plurality of goals as adjusted (See at least column 2, lines 48-64, column

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3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can see the effects of the iterative changes).

As per claim 22, Jones et al. teaches a method wherein the goals are interrelated financial goals (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 23, Jones et al. teaches a method wherein the goals include expenditures for at least one of a home, a vehicle, planned monthly allowance and savings, planned furniture expenses, planned appliance purchases, a vacations, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 24, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable priority indicia for adjusting preferences related to the selected goal, wherein the priority indicia adjusts the level of priority of achieving the selected goal as related to other goals (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the priorities related to a goal of the user);

(b) allowing the user to make an adjustment to the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these priority parameters can be adjusted by the user);

(c) adjusting the level of priority of achieving the selected goal responsive to the user's adjustment of the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 25, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable time indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the time related to a goal of the user);

(b) allowing the user to make an adjustment to the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the amount of time expected for achieving the selected goal responsive to the user's adjustment of the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 26, Jones et al. discloses wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable quality indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the quality related to a goal of the user);

(b) allowing the user to make an adjustment to the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the quality of the selected goal responsive to the user's adjustment of the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 27, Jones et al. wherein the step of allowing the user to make an adjustment further comprises:

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(a) presenting to the user an adjustable indicia of favoritism between time and quality for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the relationship between time and quality related to a goal of the user);

(b) allowing the user to make an adjustment to the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the favoritism between time and quality of the selected goal responsive to the user's adjustment of the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

Claims 50-56 recite equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 79-85 contain equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-39, 41-45, 47-49, 57-68, 70-74, 76-78, 86-97, 99-103, and 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (U.S. 6,021,397).

As per claim 28, Jones et al. teaches a method further comprising:



creating a user profile for facilitating targeted presentation based on the user information, user goals and adjusted preferences (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user profile is created for a user which stores the options and products available to the user, the user information, the goal of the user, and the stored preferences of the user in attaining the goal). However, Jones et al. does not expressly disclose targeted advertising based on the user profile.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements to the user with a stored profile of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

As per claim 29, Jones et al. teaches a method further comprising:

creating at least one offering targeted to the user profile for achieving the goal (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal).

As per claim 30, Jones et al. teaches a method further comprising:

transmitting the at least one targeted offering to the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 31, Jones et al. teaches wherein the transmission of the matched offering to the user is done using a computer network (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission is done using a computer network).

As per claim 32, Jones et al. teaches wherein the network is the Internet (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, and column 7, lines 13-30 and 50-60, wherein the network is the Internet).

As per claim 33, Jones et al. teaches a method further comprising:

using the user profile information as market intelligence (See at least figures 6 and 7, column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, column 10, lines 54-67, and column 13, lines 44-50, column 16, lines 10-25, wherein a profile is maintained for the user and this profile is used with market knowledge (historical information, current information, etc.) to simulate the portfolio of the user).

As per claim 34, Jones et al. teaches wherein the targeted offering is a financial instrument (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and

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column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different financial products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 35, Jones et al. teaches a method further comprising:

providing a user a suggested targeted offering and allowing a user to change a preference related to attaining one or more of the goals (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user. See also at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, and column 10, lines 54-67, wherein the user is allowed to change preferences in the portfolio related to attaining a goal). However, Jones et al. does not expressly disclose notifying at least one provider of the matched offering when the user changes these preferences.

Jones et al. teaches a tool wherein the user can edit the preferences and options stored in his/her portfolio, said portfolio representing a plan to achieve a goal or goals. These preferences and options are mutual funds, IRA's, 401(k) programs, etc. which are available to the user and provided via an employer, for example. It is old and well known that employees enroll in the programs for these products, which are supplied by a provider, and that employees have the

ability to un-enroll in products. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to notify a provider of the product of Jones et al. (such as a mutual fund) if a user is no longer utilizing said product in order to more efficiently communicate with providers so that they have accurate information about who is and who is not using their products.

As per claim 36, Jones et al. teaches a method wherein the offering includes at least one of a product and a service (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein an offering for the portfolio is presented to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 37, Jones et al. teaches a method wherein the goals include at least one of a home, a vehicle, planned monthly allowance and savings, planned future expenses, planned appliance purchases, a vacation, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 38, Jones et al. teaches a method wherein the matched offering with different financial products is displayed to the user, the content displayed being derived from the proposed goals designated by the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for

the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user). However, Jones et al. does not expressly disclose that this display is a banner advertisement.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Furthermore, banner ads are a well known ad type in the network marketing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements using banner ads to the user of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

As per claim 39, Jones et al. teaches a method further comprising:

storing the targeted offering in a database (See at least figure 1 and column 5, lines 34-41, which discusses the database).

As per claim 41, Jones et al. teaches wherein each of the goals has a range of options, which can be further selected by the user, the method further comprising:

(a) displaying at least one provided option corresponding to a selected goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least

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one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a preferred option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company); and

(d) allowing the user to add the selected option to the range of options for the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio of assorted other options used to attain the goal of the user. These options available and the chosen options are stored with the user's profile).

However, Jones et al. does not expressly disclose displaying at least one provider or allowing the user to select the provider of the provided option.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). The system stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with

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multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses the provider) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

As per claim 42, Jones et al. discloses a method wherein each option has a range of features, further comprising:

(a) displaying the range of options for a goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided by the user's company is displayed with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select one of the options based on the adjusted preference (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company)

(f) allowing the user to select at least one feature provided by the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc. for the options);

(g) allowing the user to add the selected feature to the range of features corresponding to the selected option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select features of options and options to add to the portfolio of assorted other features and options used to attain the goal of the user. These features and options available and those chosen are stored with the user's profile).

However, Jones et al. does not expressly disclose providers of the provided options, displaying at least one provider of the provided options, or allowing the user to select a provider of the provided options.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options and features he/she wants in an effort to obtain a goal. The system stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. Therefore, it would have been obvious to one of



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ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) and allowing the user to select a provider in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15, which discusses the importance of presenting a user with his/her available options.

As per claim 43, Jones et al. teaches wherein a list containing a plurality of provided options is displayed and the selected provided option is selected from the list of provided options (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company). However, Jones et al. does not expressly disclose the provider for the provided options listed.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore,

it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

As per claim 44, Jones et al. teaches wherein the at least one option includes a plurality of features, the method further comprising:

(a) presenting to the user the plurality of features (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.);

(b) allowing the user to select at least one of the plurality of features for the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user sets these features based on the selected options).

As per claim 45, Jones et al. teaches a method further comprising:

utilizing the network to display information relating to the provided option (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 2-30 and 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission and display of information is done using a computer network). However, Jones et al. does not expressly disclose displaying the provider of the option.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user by the company for which the user works and allows the user to select the options he/she wants. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability

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of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

See column 4, lines 5-15.

As per claim 48, Jones et al. teaches a method further comprising:

displaying features of the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.).

As per claim 49, Jones et al. teaches a method further comprising:

(a) presenting to the user an indicia of desirability for the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the program simulates the selected options to diagnose the portfolio versus the goal. The user is presented with an indication of the advantages of the selected options of the portfolio); and

(b) allowing the user to adjust the desirability for the selected option to reflect the user's desire for obtaining the selected option by the adjusting of the indicia of desirability (See column

5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is allowed to adjust the desirability to the user for the selected option).

Claims 57-68, 70-74, and 76-78 recite equivalent limitations to claims 28-39, 41-45, and 47-49, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 86-97, 99-103, and 105-107 contain equivalent limitations to claims 28-39, 41-45, and 47-49, respectively, and are therefore rejected using the same art and rationale applied above.

#### **(10) Response to Argument**

**In the Appeal Brief, Appellant provides the following arguments:**

- 1) Jones et al. does not teach or suggest presenting to the user a plurality of goals that are not necessarily financially related;
- 2) Jones et al. does not teach or suggest modeling simultaneously a plurality of goals and graphically presenting to the user the impact of the adjustment on attaining the goals by again presenting the plurality of goals adjusted;
- 3) As per claim 24, 26, and 27, Jones et al. does not teach or suggest the three separate preference criteria of priority, quality, and favouritism;
- 4) as per claim 33, 62, and 91, examiner interpreted the word “as” as “with” and therefore the examiner does not correctly equate the user profile information and market intelligence.

In response to argument 1), Examiner respectfully disagrees. Examiner points out that the claims recite the term goal in context of the goal’s relationship to the user’s cash flow and financial situation. Independent claim 21 specifically recites in element (b) that “the plurality of

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goals are related to the cash flow of the user". The dependent claims further disclose financial related goals, such as claim 23 reciting that "the goals include expenditures for at least one of a home, a vehicle, etc.". Examiner points out that the title of the invention includes the language "making financial decisions by balancing goals in a financial manager" and that in the final office action dated 01/13/05 Applicant argued that Jones et al. focused on the maximization of a particular portfolio, and not the more general undertaking of personal financial planning like the claimed invention. Examiner is unclear as to how the "goals" recited in the claims are not related to financial matters based on all of these facts set forth by the applicant's own disclosures and arguments. Jones et al. discloses planning for the events of one's life, such as purchasing a home, sending a child to college, money saving and money investing plans, etc. See column 4, lines 7-33, column 5, lines 50-67, column 6, lines 7-34 and 40-45. While a home or a car (in a bubble) is not a per se financial goal, it has financial implications in one's life. Therefore, the system of Jones et al., like the claimed invention, considers the financial implications of the user's multiple preferences and goals (such as a new house).

In response to argument 2), examiner respectfully disagrees. Jones et al. discloses a system where the user sets up a profile with goals and preferences. The user adjusts the parameters of this profile interactively and the system then shows the user the impact of the changes on the overall portfolio. See column 5, lines 50-67, column 6, lines 3-40 and 50-58, and column 8, lines 1-20, wherein the user can see the effects of the iterative changes. The system models many goals interactively. For example the intermediate goal of sending a child to college and the long-term goal of retirement are modeled together in the portfolio, along with preferences associated with these goals, to see the impact of each on each other. See specifically

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column 6, lines 15-30. The system graphically (i.e. visually) depicts the portfolio of goals and preferences to the user using a graphical user interface of the computer system. See specifically column 6, lines 1-10, column 7, lines 30-50, column 8, lines 1-20. The graphical depictions of the performance of the goals and preferences include expected portfolio performance, asset allocation for an optimal portfolio, charts indicating retirement age probabilities, and other data types may be presented to the user on the display device.

In response to argument 3), Examiner respectfully disagrees. Examiner first points out that the three criteria (in the claims as indicia) are not actually claimed as separate and distinct entities. For example, favouritism is recited as adjustable indicia of favouritism between time and quality. Therefore, favouritism and quality have a recited relationship in the claims. Jones et al. discloses a profile of user goals (retirement, send a child to college, house) and the preferences related to these goals (save more money, retire later, take on additional investment risk, etc.). Then, through an iterative process, the user can change preferences associated with his/her profile and see the outcome of these changes on the goals. Claim 24 discusses further comprising “presenting to the user an adjustable priority indicia for adjusting preferences related to the selected goal”. Therefore, the claim requires that the user is presented adjustable indicators that indicate the user’s priority with goals. Jones et al. discusses intermediate and long-term goals being set in the system by the user. Therefore, the user sets goals in the system such as sending a child to college and retiring, and then sets preferences about wanting the college goal to occur sooner, the retiring goal to occur later. See column 5, lines 50-67, and column 6, lines 5-35. Claim 26 recites further comprising “presenting to the user an adjustable quality indicia the selected goal”. Jones et al. discusses in column 4, lines 5-35, column 5, lines

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50-67, and column 6, lines 3-35 retirement goals and adjusting indicators in the user's profile of preference relating to standard (i.e. quality) of living preferred at retirement. As for claim 27, claim 27 recites allowing the user to make an adjustment to user preferences "further comprising presenting to the user an adjustable indicia of favouritism between time and quality for the selected goal". Jones et al. discusses in column 4, lines 5-35, column 5, lines 50-67, and column 6, lines 3-35 retirement goals and selecting between age/time of retirement and savings/standard of living at retirement. Jones et al. discusses the timing of goals versus the actions that need to be taken to achieve the goal.

In response to argument 4), Examiner respectfully disagrees and reasserts the rejection above where Examiner asserted that Jones et al. teaches using the user profile information as market intelligence. Examiner never asserted that Jones et al. taught using the user profile information with market intelligence. In the explanation of the art sections cited, Examiner did state that the user profile is used with market knowledge to simulate the portfolio of the user. Examiner is unclear as to what exactly the Applicant is arguing.

As for the limitation, Jones et al. teaches using the user profile information as market intelligence. Examiner points out the claim broadly recites "using the user profile information as market intelligence" without any recitation of how or for what purpose. Therefore, in the broadest reasonable interpretation, the user profile information is used on some level as information about the market. Jones et al. teach using the user profile information as information about the market in which the user fits. When setting up a user profile, the user enters financial products available to him/her as well preferences concerning the user's risk tolerance, planning horizon, etc. Using this information as knowledge about the market (i.e. where in the market the

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user fits), the system uses external data to determine how the financial products should perform for the user based on the type of user the user is. Therefore, the profile is how the system determines, based on the market, what choices are optimal for a user. See figures 6-7, column 6, lines 60-65, column 7, lines 5-10, column 10, lines 54-67, column 13, lines 44-50, column 16, lines 10-25.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully Submitted,

Beth Van Doren

*lwd*

bvd

~~October 26, 2005~~ September 14, 2006

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